

Date : 3 March, 1994.

GOVERNMENT ORDER

Subject : Allotment of land / plots to the
Co-operative Housing Societies in
New Bombay by CIDCO Revised policy
in respect of -

- Reference : i) Government letter, UDD No. LQN-3088/
334/CR-58/88/UD-10, dated 28 July 1989.
- ii) Government Order, UDD No. CID-1093/
778/CR-131/93/UD-10, dated 17 June 1993.
- iii) Letter No. CIDCO/MM/CHS/93/677;
dated 14 December 1993 from the
Managing Director, CIDCO.
- iv) D.C. letter No. CIDCO/MD/113;
dated 24 January 1994 from the
Managing Director, CIDCO.

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Whereas Government had laid down policy guidelines
under Government letter No. LQN/3088/334/CR-58/88/UD-10,
dated 28 July 1989 and since then CIDCO is making
allotment of plots/lands to the Cooperative Housing
Societies according to these policy guidelines and
the conditions of lease prescribed in the New Bombay
Disposal of Lands Regulations 1975, amended from time
to time ;

And whereas, in view of the wide difference
between the market rate and the concessional rate certain
malpractices / abuses were noticed by CIDCO and in order
to prevent such malpractices / abuses, Managing Director,
CIDCO requested Government to reconsider the policy
guidelines laid down by Government under letter dated
28 July 1989 ;

And whereas, the request made by the Managing
Director, CIDCO was considered by the Government and in
order to prevent such Malpractices / abuses the Managing
Director, CIDCO was directed under Government order No. CID
1093/778/CR-131/93/UD-10, dated 17 June 1993, to stop
giving plots/lands on concessional rates to the Cooperative
Housing Societies till preventive measures are formulated

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and revised policy is decided upon by the Government in this regard ;

And whereas, in order to decide revised policy by taking preventive measures, Managing Director, CIDCO was requested to stipulate appropriate conditions for preventing malpractices / abuses and submit his proposal to the Government for deciding revised policy in this regard ;

And, whereas, Government have received representations from various Cooperative Housing Societies, Traders of markets shifted / to the shifted to New Bombay, M.Ps, M.L.As., etc. requesting Government to vacate stay granted by the Government and allow genuine Cooperative Housing Societies to get lands/plots at concessional rate;

And whereas, the proposal submitted by the Managing Director, CIDCO vide his letter No.CIDCO/M/CHS/95/677, dated 14 December 1993 has been considered by the Government and it has been decided to vacate the stay by prescribing suitable revised policy guidelines for allotment of plots / lands to the Cooperative Housing Societies ;

Now, therefore, in exercise of the powers conferred by Section 154 of the Maharashtra Regional and Town Planning Act, 1966 Government hereby vacates the stay granted under Government Order No.CID-1093/778/CR-131/93/UD-10, dated 17 June 1993 and directs CIDCO to consider the following revised policy guidelines for inclusion in the lease agreement by CIDCO as per New Bombay Disposal of Lands Regulations, 1975 while making allotment of plots/lands to the Cooperative Housing Societies;

A. Lease premium to be charged to the Cooperative Housing Societies :

- i) 300% of the Reserved Price to the Cooperative Housing Societies of the members connected with the various wholesale Markets shifted or being shifted to New Bombay by an order of Competent Authority under the law and opting for plots/lands in developed nodes of New Bombay.

- ii) 200% of the Reserved Price to the Cooperative Housing Societies of the members connected with the various wholesale markets shifted or to be shifted to New Bombay and opting for plots/lands in order, developing, nodes of New Bombay.
- iii) 400% of the Reserved Price to all other Cooperative Housing Societies opting for plots/lands in developed nodes of New Bombay;
- iv) 250% of the Reserved Price to all other Cooperative Housing Societies opting for plots/lands in other, developing, nodes of New Bombay ;

Note : What is a developing nodes, or developed node should be as decided by Managing Director, City and Industrial Development Corporation of Maharashtra Limited.

2. Cooperative Housing Societies to whom plots/lands are to be allotted by the CIDCO should strictly follow the following terms and conditions :

- i) Society shall utilise lands, only for the purpose of constructing of residential tenements for its approved members and the lands or any part thereof shall not be utilised by the Society or by any of its members directly or indirectly for any commercial business, professional purpose ;
- ii) The land or any part thereof shall not be sold, mortgaged, leased, transferred or in any other way alienated without the written previous permission of CIDCO;
- iii) Society shall not permit any of its members to lease or sub-let or give on Leave and Licence basis or to transfer the house/flat held by him or her without the prior written permission of the CIDCO.

- iv) Society shall not enroll any new member or substitute any member without prior written permission of the CIDCO. The transfer/handling over of the flat in the Coöperative Housing Society by the member under the instrument of Power of Attorney, without prior written permission of CIDCO will be treated as a breach of condition and the person in occupation as a Power of Attorney being an illegal occupant will be liable to be evicted.
- v) The house/flat should be occupied personally by the members as soon as they are ready for occupation and if any member does not occupy the house/flat the same shall be placed at the disposal of the CIDCO who shall arrange to pay the rent to the said member as may be determined by the CIDCO.

LIABILITY FOR BREACH OF CONDITIONS :

- vi) The Society/ or the individual member shall be liable to be evicted and the land with building or the flat of the individual member be resumed to the CIDCO without payment of any compensation in case there is a breach of any of the conditions of grant of land and failure on the part of the Society/member to remedy the said breach within a period of 6 months from the date of issue of notice communicating the said breach ;
- vii) The Society shall be bound to take all necessary steps to compel the member, who has committed breach of any of the conditions of grant of land, to remedy the said breach immediately and failure on the part of the said member to remedy the breach within a period of 6 months from the date of issue of notice, communicating the said breach;

- viii) The Society shall be bound to take all necessary steps to compel the member, who has committed breach of any of the conditions of grant of land, to remedy the said breach immediately and failure on the part of the said member to remedy the breach within a period of 6 months from the date of notice, the Society shall render itself liable to be dealt with under condition (vi) above.
- ix) CIDCO will have the power to determine the lease and summarily evict persons occupying the land and resuming the land belonging to a Copperative Housing Society in cases of the breach mentioned above. CIDCO shall also have the power to resume the flat of a member in the Cooperative Housing Society if there is a breach of any of the conditions mentioned above.

By order and in the name of the Governor of
Maharashtra;

Sd/-

(S. n. Gavali)
Deputy Secretary to Government.

To,

The Managing Director,
City and Industrial Development Corporation
of Maharashtra Limited, Nirmal Building,
Nariman Point, BOMBAY-400 021.